

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**HAZEL M. ROBY, as Administratrix of** §  
**the Estate of RONALD TYRONE** §  
**ROBY, Deceased,** §

**Plaintiff,** §

**v.** §

**BENTON EXPRESS, INC., et al.,** §

**Defendants.** §

**CIVIL ACTION NO.**  
**2:05cv494-B**

**PLAINTIFF'S PROPOSED EXHIBIT LIST**

COMES NOW the Plaintiff in the above styled matter, by and through the undersigned counsel of record and hereby submits the following list of exhibits anticipated to be used at the trial of this matter:

1	Alabama Uniform Traffic Incident Report
2	Montgomery Police Department Traffic Homicide File
3	AEGIS Public Safety System Incident Report
4	Montgomery Police Department City of Montgomery, Alabama, Fatal Traffic Collision Investigation Case Summary
5	Montgomery Police Department City of Montgomery, Alabama, Fatal Traffic Collision Investigation
6	Montgomery Police Department City of Montgomery, Alabama, Fatal Traffic Collision Investigation Vehicle Impound Report – 1998 Volvo Truck
7	Montgomery Police Department City of Montgomery, Alabama, Fatal Traffic Collision Investigation Vehicle Impound Report – 2000 Chevrolet Malibu
8	Montgomery Police Department City of Montgomery, Alabama, Fatal Traffic Collision Investigation – Statement of Johnny Pollard
9	Montgomery Police Department City of Montgomery, Alabama, Fatal Traffic Collision Investigation – Statement of Michael Boozer
10	Montgomery Police Department City of Montgomery, Alabama, Fatal Traffic Collision Investigation – Statement of Jermale Ayers
11	Montgomery Police Department City of Montgomery, Alabama, Fatal Traffic Collision Investigation – Statement of Michael Griffs
12	Montgomery Police Department City of Montgomery, Alabama, Fatal Traffic Collision Investigation – Statement of Stephen Hornsby

13	Montgomery Police Department City of Montgomery, Alabama, Fatal Traffic Collision Investigation – Statement of Willie Rob Simmons
14	Montgomery Police Department City of Montgomery, Alabama, Fatal Traffic Collision Investigation – Statement of Lisa Warr
15	Montgomery Police Department City of Montgomery, Alabama, Fatal Traffic Collision Investigation Case Summary – Evidence Log
16	Montgomery Police Department City of Montgomery, Alabama, Fatal Traffic Collision Investigation – Diagrams of I85/I65 Interchange
17-217	Montgomery Police Department City of Montgomery, Alabama, Fatal Traffic Collision Investigation – Scene Photos
218-288	Photos of 2000 Chevrolet Malibu
289-334	Photos of 1998 Volvo Tractor-trailer
335-346	Scene Photos
347-375	Aerial Scene Photos
376	Liberty Mutual Trucker Survey Identifies Top Practices in Fleet Safety
377	Benton Express Employee Handbook
378	Benton Express Handbook regarding Drug and Alcohol Testing
379	Department of Transportation HM 232 Driver & Cargo Security Policy
380	Hazardous Materials Training
381	Driver Training Manual
382	Employee File of Craig Anthony Stephens – Copy of CDL
383	Employee File of Craig Anthony Stephens – Copy of Social Security Card
384	Employee File of Craig Anthony Stephens – Driver File Checklist
385	Employee File of Craig Anthony Stephens – Post Hiring Medical Questionnaire
386	Employee File of Craig Anthony Stephens – Alcohol and Drug Free Workplace Policy signed by Craig Anthony Stephens
387	Employee File of Craig Anthony Stephens – Authorization for Use or Disclosure of Medical Information signed by Craig Anthony Stephens
388	Employee File of Craig Anthony Stephens – Consent Form for Drug/ Alcohol Testing signed by Craig Anthony Stephens
389	Employee File of Craig Anthony Stephens – Alcohol and Drug Free Workplace Drug Use Information form signed by Craig Anthony Stephens
390	Employee File of Craig Anthony Stephens – Federal Drug Testing Custody and Control Form signed by Craig Anthony Stephens
391	Employee File of Craig Anthony Stephens – Medical Examination Report for Commercial Driver Fitness Determination signed by Craig Anthony Stephens
392	Employee File of Craig Anthony Stephens – U.S. Department of Justice Immigration and Naturalization Service Employment Eligibility Verification form signed by Craig Anthony Stephens
393	Employee File of Craig Anthony Stephens – Form from Jack Germany/Insurance Department of Benton Express advising that New Hire Package was sent to Craig Anthony Stephens
394	Employee File of Craig Anthony Stephens – Benton Express, Inc. Computer Load Sheet

395	Employee File of Craig Anthony Stephens – Employee’s Withholding Allowance Certificate
396	Employee File of Craig Anthony Stephens – Change of Job Status and/or Wage dated 5/19/04 – 90 day evaluation and raise
397	Employee File of Craig Anthony Stephens – Driver File Checklist – Phase One
398	Employee File of Craig Anthony Stephens – Benton Express, Inc. driver application for employment for Craig Anthony Stephens
399	Employee File of Craig Anthony Stephens – Fork Lift Operating Rules
400	Employee File of Craig Anthony Stephens – Forklift Training Record
401	Employee File of Craig Anthony Stephens – Forklift Truck Operator’s Performance Test
402	Employee File of Craig Anthony Stephens – Certification of Forklift Training signed by Craig Anthony Stephens
403	Employee File of Craig Anthony Stephens – Fork Lift Test signed by Craig Anthony Stephens
404	Employee File of Craig Anthony Stephens – Verification of participation and completion of Forklift Safety Training Program for Craig Anthony Stephens
405	Employee File of Craig Anthony Stephens – Disclosure and Release signed by Craig Anthony Stephens
406	Employee File of Craig Anthony Stephens – New Employee Probation Form signed by Craig Anthony Stephens
407	Employee File of Craig Anthony Stephens – Driver File Checklist – Phase Three
408	Employee File of Craig Anthony Stephens – Certification of Hazardous Materials Training and Testing for Craig Anthony Stephens
409	Employee File of Craig Anthony Stephens – Hazardous Materials Transportation Test for Craig Anthony Stephens
410	Employee File of Craig Anthony Stephens – Receipt acknowledging receipt of a copy of the Federal Motor Carrier Safety Regulations of the U.S. Department of Transportation signed by Craig Anthony Stephens
411	Receipt for Benton Express Employee Handbook signed by Craig Anthony Stephens dated 01/30/04
412	Employee File of Craig Anthony Stephens – Driver’s Instructions signed by Craig Anthony Stephens
413	Employee File of Craig Anthony Stephens – Acknowledge of receipt of Keller’s Drug & Alcohol Testing: Training and Awareness Driver Handbook signed by Craig Anthony Stephens
414	Employee File of Craig Anthony Stephens – Acknowledgment of receipt of Hazardous Materials Compliance Pocketbook signed by Craig Anthony Stephens
415	Employee File of Craig Anthony Stephens – Change of Job Status and/or Wage dated 08/20/2004
416	Employee File of Craig Anthony Stephens – Benton Express, Inc. Road Driver Evaluation Report for Craig Anthony Stephens
417	Employee File of Craig Anthony Stephens – Driver File Checklist – Phase

	One
418	Employee File of Craig Anthony Stephens – State of Florida Division of Driver Licenses Transcript of Driver Record dated 01/15/04; 06/21/04, 07/13/04, 01/19/05
419	Employee File of Craig Anthony Stephens – Driver File Checklist – Phase One
420	Employee File of Craig Anthony Stephens – Notice dated 12/22/04 that Violation and Review Statement for Craig Anthony Stephens expires 1/26/04
421	Employee File of Craig Anthony Stephens – Notice of Disqualification as driver for Benton Express dated January 28, 2005, to Craig Anthony Stephens due to expiration of annual violation and review statement
422	Employee File of Craig Anthony Stephens - U.S. Department of Justice Immigration and Naturalization Service Employment Eligibility Verification form signed by Craig Anthony Stephens
423	Employee File of Craig Anthony Stephens – Certification of Compliance with Driver License Requirements dated 01/26/04 signed by Craig Anthony Stephens
424	Employee File of Craig Anthony Stephens – New Employee Probation Form Company Policy signed by Craig Anthony Stephens
425	Employee File of Craig Anthony Stephens – Driver File Check List – Phase Three
426	Employee File of Craig Anthony Stephens – Benton Express, Inc. Employee Handbook Acknowledgement Form signed by Craig Anthony Stephens
427	Employee File of Craig Anthony Stephens – Benton Express, Inc. Employee Handbook Important Notice signed by Craig Anthony Stephens
428	Employee File of Craig Anthony Stephens – Shipper's Load and Count signed by Craig Anthony Stephens
429	Employee File of Craig Anthony Stephens – Benton Express, Inc. Post Hiring Medical Questionnaire for Craig Anthony Stephens
430	Employee File of Craig Anthony Stephens – COD Delivery signed by Craig Anthony Stephens
431	Employee File of Craig Anthony Stephens – Driver's Receipt of Hazardous Materials Compliance Pocketbook signed by Craig Anthony Stephens
432	Employee File of Craig Anthony Stephens – February 13, 2004 Memo from Helen/Safety Dept. to Glenn Clark re: past employment verification for Craig Anthony Stephens
433	Employee File of Craig Anthony Stephens – Benton Express, Inc. Driver Qualification File for Craig Anthony Stephens
434	Employee File of Craig Anthony Stephens – Benton Express, Inc. Post Hiring Medical Questionnaire for Craig Anthony Stephens
435	Employee File of Craig Anthony Stephens – Alcohol and Drug-Free Workplace Policy Applicant Alcohol & Drug Testing Consent Agreement signed by Craig Anthony Stephens
436	Employee File of Craig Anthony Stephens – Authorization for Use or Disclosure of Medical Information signed by Craig Anthony Stephens
437	Employee File of Craig Anthony Stephens – Consent Form for Drug/Alcohol



	Testing signed by Craig Anthony Stephens
438	Employee File of Craig Anthony Stephens – Alcohol and Drug Free Workplace Policy signed by Craig Anthony Stephens
439	Employee File of Craig Anthony Stephens – Medical Examination report for Commercial Driver Fitness Determination for Craig Anthony Stephens
440	Employee File of Craig Anthony Stephens – Employee's Withholding Allowance Certificate
441	Employee File of Craig Anthony Stephens – Benton Express, Inc. Computer Load Sheet for Craig Anthony Stephens
442	Employee File of Craig Anthony Stephens – Benton Express, Inc. Disclosure and Release signed by Craig Anthony Stephens
443	Employee File of Craig Anthony Stephens – Resume of Craig Anthony Stephens
444	Employee File of Craig Anthony Stephens – Previous Pre-employment Employee Alcohol and Drug Test Statement signed by Craig Anthony Stephens
445	Employee File of Craig Anthony Stephens – Fax from AmSouth Bank re: Employment verification for Craig Anthony Stephens
446	Employee File of Craig Anthony Stephens – Benton Express, Inc. Driver Qualification File
447	Employee File of Craig Anthony Stephens – Benton Express, Inc. Certification of Violations/Annual Review of Driving Record for Craig Anthony Stephens dated 01/31/05
448	Employee File of Craig Anthony Stephens – Benton Express, Inc. Certification of Violations/Annual Review of Driving Record for Craig Anthony Stephens dated 01/26/04
449	Employee File of Craig Anthony Stephens – State of Florida Transcript of Driving Record for Craig Anthony Stephens dated 01/15/04
450	Employee File of Craig Anthony Stephens – Copy of Driver's License for Craig Anthony Stephens
451	Employee File of Craig Anthony Stephens – Medical Examiner's Certificate for Craig Anthony Stephens
452	Employee File of Craig Anthony Stephens – Benton Express, Inc. Qualification file for Craig Anthony Stephens
453	Employee File of Craig Anthony Stephens – Driver Application for Employment for Craig Anthony Stephens
454	Employee File of Craig Anthony Stephens – Copy of Social Security Card for Craig Anthony Stephens
455	Employee File of Craig Anthony Stephens – Record of Road Test for Craig Anthony Stephens
456	Employee File of Craig Anthony Stephens – Certification of Road Test for Craig Anthony Stephens
457	Employee File of Craig Anthony Stephens – Benton Express, Inc. Inquiry to Past Employer – Baldwin Transfer
458	Employee File of Craig Anthony Stephens – Benton Express, Inc. Inquiry to Past Employer – Davison Oil Company

459	Employee File of Craig Anthony Stephens – Driver’s Receipt of Keller’s Drug & Alcohol Testing: Training and Awareness Driver Handbook signed by Craig Anthony Stephens
460	Employee File of Craig Anthony Stephens – Receipt Acknowledging receipt of Benton Express, Inc. Employee Handbook signed by Craig Anthony Stephens
461	Employee File of Craig Anthony Stephens – Acknowledgment receipt for Federal Motor Carrier Safety Regulations of the US DOT signed by Craig Anthony Stephens
462	Employee File of Craig Anthony Stephens – Certification of Hazardous Materials Training and Testing for Craig Anthony Stephens
463	Employee File of Craig Anthony Stephens – Hazardous Materials Transportation Test for Craig Anthony Stephens
464	Benton Express, Inc. Driver’s Sign In & Sign Out Sheet for 3/21 – 4/10
465	Benton Express, Inc. Tractor/Trailer Movements for 4/8 – 4/9
466	Benton Film Express Sign In & Sign Out sheet for 4/9/05
467	Benton Express, Inc. Driver’s Time Sheet for Craig Anthony Stephens for 4/4/05 – 4/8/05 with notation “employee killed in traffic accident 4/11/05”
468	Truck and Trailer documents
469	Bills of Lading for freight
470	ICC Permit
471	Note from Garlin McClellan to Craig Anthony Stephens
472	Phone/Radio Records
473	Maintenance Records
474	DOT Accident Registry
475	Fuel Tax Records
476	Craig Anthony Stephens trip logs for October 2004
477	Craig Anthony Stephens trip logs for November 2004
478	Craig Anthony Stephens trip logs for December 2004
479	Craig Anthony Stephens trip logs for January 2005
480	Craig Anthony Stephens trip logs for February 2005
481	Craig Anthony Stephens trip logs for March 2005
482	Craig Anthony Stephens trip logs for April 2005
483	Time cards for Craig Anthony Stephens for weeks ending 1/14/05 and 1/21/05
484	Time cards for Craig Anthony Stephens for weeks ending 2/4/05 and 2/25/05
485	Benton Express, Inc. Notice of Violation of Driving Hours for Craig Anthony Stephens
486	Benton Express, Inc. Driver Summary Report for Craig Anthony Stephens for 2/12/05 – 3/4/05
487	Benton Express, Inc. Driver Summary Report for Craig Anthony Stephens for 3/5/05 – 3/18/05
488	Benton Express, Inc. Over the Road Manifest for Craig Anthony Stephens for October 2004
489	Benton Express, Inc. Over the Road Manifest for Craig Anthony Stephens for

	November 2004
490	Benton Express, Inc. Over the Road Manifest for Craig Anthony Stephens for December 2004
491	Benton Express, Inc. Over the Road Manifest for Craig Anthony Stephens for January 2005
492	Benton Express, Inc. Over the Road Manifest for Craig Anthony Stephens for February 2005
493	Benton Express, Inc. Over the Road Manifest for Craig Anthony Stephens for March 2005
494	Driver Daily Trip Logs for January 2005 through April 2005 for Craig Anthony Stephens
495	Door Tech claim for destroyed freight
496	Trucks, Inc. claim for destroyed trailer
497	IGM claim for destroyed freight
498	Baldor Electric Company claim for destroyed freight
499	MBW, Inc. claim for destroyed freight
500	Broan Nutone claim for destroyed freight
501	Briggs & Stratton claim for destroyed freight
502	Spangler Candy Company claim for destroyed freight
503	Slayton Floor Covering claim for destroyed freight
504	Insurance Institute for Highway Safety Article
505	Death Certificate of Ronald T. Roby
506	Alabama DOT File regarding repairs to guardrail
507	Workers Compensation Mediation Settlement Agreement
508	Printout of Worker's Comp payments to Stephanie Stephens
509	Cellular Telephone records for Craig Anthony Stephens
510	Harvester Credit Union Account Printouts
511	Plaintiff's Rule 26 Expert Submissions
512	CV for Roland Brown (DX-2: Deposition of Roland Brown)
513	Safer Web (DX 7: Deposition of Roland Brown)
514	Fatalities of Fact (DX-9: Deposition of Roland Brown)
515	BOLO Report filed with Atlanta, Georgia Police Department (Paper)
516	BOLO Report filed with Atlanta, Georgia Police Department (CD)
517	CD from Montgomery Police Department Containing Entire Homicide File
518	CD of 9-1-1 calls to Montgomery County Sheriff's Department
519	CD of 9-1-1 calls to Montgomery Police Department
520	Worker's Compensation File for Craig Anthony Stephens
521	Federal Motor Carrier Safety Regulations
522	J. J. Keller Pocket Edition – Federal Motor Carrier Safety Regulations
523	Trip Logs for Craig Anthony Stephens' trips from Pensacola to Atlanta
524	MCMIS Company Safety Profile for Benton Express, Inc.
525	Letters of Administration granted to Hazel Roby
526	CV of M. P. Stirling
527	Invoice from M. P. Stirling (DX-5: Deposition of M. P. Stirling)
528	Equations of M. P. Stirling (DX-6: Deposition of M. P. Stirling)

529	BOLO (paper) w/handwritten notes of M. P. Stirling (DX-10: Deposition of M. P. Stirling)
530	Notes from Photos
531	CD
532	City Engineer Photos (DX-9: Deposition of M. P. Stirling)
533	Autostat (DX-13: Deposition of M. P. Stirling)
534	Geometric Layout (DX-15: Deposition of M. P. Stirling)
535	Defendant's Expert Submissions
536	CD – MPD Homicide File (Exhibit 8 – Deposition of Bob Tynes)
537	CD of Documents (Exhibit 9 – Deposition of Bob Tynes)
538	Letter of 10/31/05 (Exhibit 10 - Deposition of Bob Tynes)
539	Letter of 10/12/05 (Exhibit 11 - Deposition of Bob Tynes)
540	Driver Daily Trip Log (Exhibit 13 - Deposition of Bob Tynes)
541	Safety Regulations Handbook (Exhibit 14 - Deposition of Bob Tynes)
542	Billing Detail Report and Fee Schedule (Exhibit 1 and 15 - Deposition of Bob Tynes)
543	Sign-in and sign-out sheets (Exhibit 16 - Deposition of Bob Tynes)
544	Tractor-trailer movements (Exhibit 17 - Deposition of Bob Tynes)
545	Accident Report (Exhibit 18 - Deposition of Bob Tynes)
546	Itemized billing for Steve A. Stephens (Exhibit 1 – Deposition of Steve Stephens)
547	Typed notes of Steve Stephens (Exhibit 3 – Deposition of Steve Stephens)
548	Correspondence and documents to Steve Stephens from Carr, Allison (Exhibit 5 – Deposition of Steve Stephens)
549	BOLO Report filed with Atlanta Police Department (Exhibit 7 & 8 – Deposition of Steve Stephens)
550	MPD Homicide File provided by Carr, Allison (Exhibit 9 – Deposition of Steve Stephens)
551	Photograph (Exhibit 10 – Deposition of Steve Stephens)
552	Photograph (Exhibit 11 – Deposition of Steve Stephens)
553	Correspondence to Tony Stephens from Carr, Allison (DX-1 – Deposition of Steve Stephens)
554	Driver's History for Craig Anthony Stephens
555	DOT Diagrams of Interchange
556	DOT Diagram of Interchange
557	DOT Aerial Photograph of Interchange
558	Accident Scene Photographs
559	CD of Accident Scene Photographs
560	Personnel File of Steve A. Stephens
561	Plaintiff's First Discovery to Benton Express, Inc.
562	Plaintiff's Second Discovery to Benton Express, Inc.
563	Plaintiff's Third Discovery to Benton Express, Inc.
564	Benton Express, Inc.'s Responses to Plaintiff's First Request for Admission
565	Benton Express, Inc.'s Responses to Plaintiff's Second Request for Admission
566	Benton Express, Inc.'s Responses to Plaintiff's First Request for Production



567	Benton Express, Inc.'s Responses to Plaintiff's First Interrogatories
568	Benton Express, Inc.'s Responses to Plaintiff's Second Interrogatories
569	Benton Express, Inc.'s Responses to Plaintiff's Second Request for Production
570	Benton Express, Inc.'s Responses to Plaintiff's Third Request for Admission
571	Benton Express, Inc.'s web page advertisement
572	Complaint
573	First Amended Complaint
574	Answer
575	September 8, 2005, letter from counsel for Plaintiff to counsel for Defendant
576	September 9, 2005 letter from counsel for Defendant to counsel for Plaintiff
577	Toxicology report for Craig Anthony Stephens
578	News articles
579	CD (Accident Sequence)
580	Scene Diagrams

Plaintiff reserves the right to offer any exhibit listed by any other party.

Plaintiff reserves the right to use any exhibit necessary for cross examination.

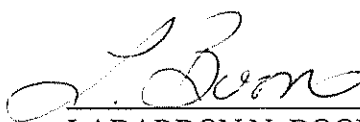
Plaintiff reserves the right to use any exhibit necessary for rebuttal or impeachment.

Plaintiff reserves the right to enlarge any exhibit or excerpt therefrom necessary for trial.

Plaintiff reserves the right to use any exhibit attached to a deposition of any witness deposed in this case.

Plaintiff reserves the right to amend the exhibit list as necessary.

Plaintiff reserves the right to amend his exhibit list if new documents are discovered that were not previously produced.



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**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing document on all counsel of record by placing it in the United States mail, postage prepaid and properly addressed to them on this the 7<sup>th</sup> day of February 2006.



\_\_\_\_\_  
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